20. STATUTORILY REQUIRED SECTIONS

20.1 INTRODUCTION

The Statutorily Required Sections chapter of the Draft EIR includes discussions regarding those topics that are required to be included in an EIR, pursuant to CEQA Guidelines, Section 15126.2. The chapter includes a discussion of the proposed project's potential to result in growth-inducing impacts; the cumulative setting analyzed in this EIR; significant irreversible environmental changes; and significant and unavoidable impacts caused by the proposed project.

20.2 GROWTH-INDUCING IMPACTS

State CEQA Guidelines section 15126.2(d) requires an EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, an EIR must discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that could induce growth. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped.

The CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, it should not be assumed that induced growth is necessarily significant or adverse. This analysis examines the following potential growth-inducing impacts related to implementation of the proposed project and assesses whether these effects are significant and adverse (see *CEQA Guidelines*, Section 15126.2[d]):

1. Foster population and economic growth and construction of housing.
2. Eliminate obstacles to population growth.
3. Affect service levels, facility capacity, or infrastructure demand.
4. Encourage or facilitate other activities that could significantly affect the environment.

Foster Population and Economic Growth and Construction of Housing

The proposed project would include the development of a full production winery, including wine production facilities, a tasting room, an underground wine cave, an accessory restaurant, and other associated facilities. Because of the commercial and industrial nature of the proposed project, buildout would not directly result in an increase in population or construction of housing.

While construction of the proposed project would result in a limited increase in construction employment opportunities, construction would be temporary, and jobs would likely be filled by the local employee base. Therefore, an increase in permanent population and a demand for housing in the vicinity of the project site as a result of the construction-related employment opportunities associated with the proposed project would not occur. Buildout of the proposed project would also provide long-term employment opportunities associated with the proposed winery facilities. However, the proposed project would employ a maximum of 17 full-time employees, which would

also likely be filled from the local employee base. Due to the relatively small number of employees, the proposed project would not result in a substantial increase in permanent population and a demand for housing in the vicinity of the project site.

The proposed project has the potential to foster economic growth due to the commercial nature and employment opportunities of the proposed project. However, it is reasonable to assume that the magnitude of economic growth would not be substantial such that new business growth would result elsewhere in the region which could necessitate additional housing to support the employment base. Thus, while the project would foster economic growth, a less-than-significant impact related to population and economic growth would occur.

Eliminate Obstacles to Population Growth

The elimination of either physical or regulatory obstacles to growth is considered to be a growth-inducing effect. A physical obstacle to growth typically involves the lack of public service infrastructure. The extension of public service infrastructure, including roadways, water mains, and sewer lines, into areas that are not currently provided with these services, would be expected to support new development. Similarly, the elimination or change to a regulatory obstacle, including existing growth and development policies, could result in new growth.

As discussed in Chapter 15, Public Services and Utilities, of this EIR, an existing on-site public well, constructed in accordance with the requirements of the Placer County Environmental Health Division and the State Water Resources Control Board (SWRCB), would be used to supply potable water to the project site. The well is designed to serve the proposed project's water demand only. Thus, the proposed water system is not anticipated to result in elimination of obstacles to population growth.

Sanitary sewer service would be provided by an on-site septic system that would be compliant with State and County requirements. The proposed on-site septic system would be designed such that all on-site effluent flow would be treated and contained on-site. The system is sized to accommodate the proposed project's wastewater generation only. Therefore, the proposed septic system would not serve to eliminate obstacles to population growth in the project vicinity.

Based on the above, all utility infrastructure improvements involved in the proposed project would exclusively serve the proposed project, and, therefore, the project would not be anticipated to eliminate any obstacles to population growth.

Affect Service Levels, Facility Capacity, or Infrastructure Demand

Increases in population that would occur as a result of a proposed project may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental impacts. As discussed in Chapter 15, Public Services and Utilities, of this EIR, increased demands for fire and police protection services attributable to the proposed project would not necessitate the construction of new or expanded facilities that could cause significant environmental impacts. In addition, wastewater generated by the proposed project could be accommodated by wastewater treatment facilities and infrastructure proposed as part of the project, and existing water supply infrastructure exists on-site to accommodate the domestic water demand associated with the proposed project.

The landfill that would serve the proposed project has adequate capacity to manage the solid waste generated as result of the project. Furthermore, mitigation measures set forth in Chapter

12, Hydrology and Water Quality, of this EIR would ensure that the proposed project would not create or contribute runoff water that would exceed the capacity of the County's stormwater drainage systems. Therefore, the proposed project would not increase population such that service levels, facility capacity, or infrastructure demand would require construction of new facilities that could cause significant environmental impacts.

Encourage or Facilitate other Activities That Could Significantly Affect the Environment

This EIR provides a comprehensive assessment of the potential for environmental impacts associated with implementation of the proposed project. Please refer to Chapters 4 through 19 of this EIR, which comprehensively address the potential for impacts from development on the project site.

20.3 CUMULATIVE IMPACTS

CEQA Guidelines, Section 15130 requires that an EIR discuss the cumulative and long-term effects of the proposed project that would adversely affect the environment. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines, Section 15355). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects" (CEQA Guidelines, Section 15355, subd. [a]). "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA Guidelines, Section 15355, subd. [b]).

The need for cumulative impact assessment reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable," and, thus, significant, when viewed together with environmental changes anticipated from past, present, and probable future projects (CEQA Guidelines, Section 15064, subd. [h(1)], Section 15065, subd. [c], and Section 15355, subd. [b]). Accordingly, particular impacts may be less than significant on a project-specific basis but significant on a cumulative basis if their small incremental contribution, viewed against the larger backdrop, is cumulatively considerable. However, it should be noted that CEQA Guidelines, Section 15064, Subdivision (h)(5) states, "[…]the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Therefore, even where cumulative impacts are significant, any level of incremental contribution is not necessarily deemed cumulatively considerable.

Section 15130(b) of CEQA Guidelines indicates that the level of detail of the cumulative analysis need not be as great as for the project impact analyses, but that analysis should reflect the severity of the impacts and their likelihood of occurrence, and that the analysis should be focused, practical, and reasonable. To be adequate, a discussion of cumulative effects must include the following elements:

> (1) Either (a) a list of past, present and probable future projects, including, if necessary, those outside the agency's control, or (b) a summary of projections contained in an adopted general plan or related planning document, or in a prior certified EIR, which described or evaluated regional or area-wide conditions contributing to the cumulative

impact, provided that such documents are referenced and made available for public inspection at a specified location;

(2) A summary of the individual projects' environmental effects, with specific reference to additional information and stating where such information is available; and

(3) A reasonable analysis of all of the relevant projects' cumulative impacts, with an examination of reasonable, feasible options for mitigating or avoiding the project's contribution to such effects (Section 15130[b]).

For some projects, the only feasible mitigation measures will involve the adoption of ordinances or regulations, rather than the imposition of conditions on a project-by-project basis (Section 15130[c]). Section 15130(a)(3) states that an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund the project's fair share of a mitigation measure or measures designed to alleviate the cumulative impact.

A discussion of cumulative impacts is provided within each of the technical chapters of this EIR pursuant to CEQA Guidelines Section 15130.

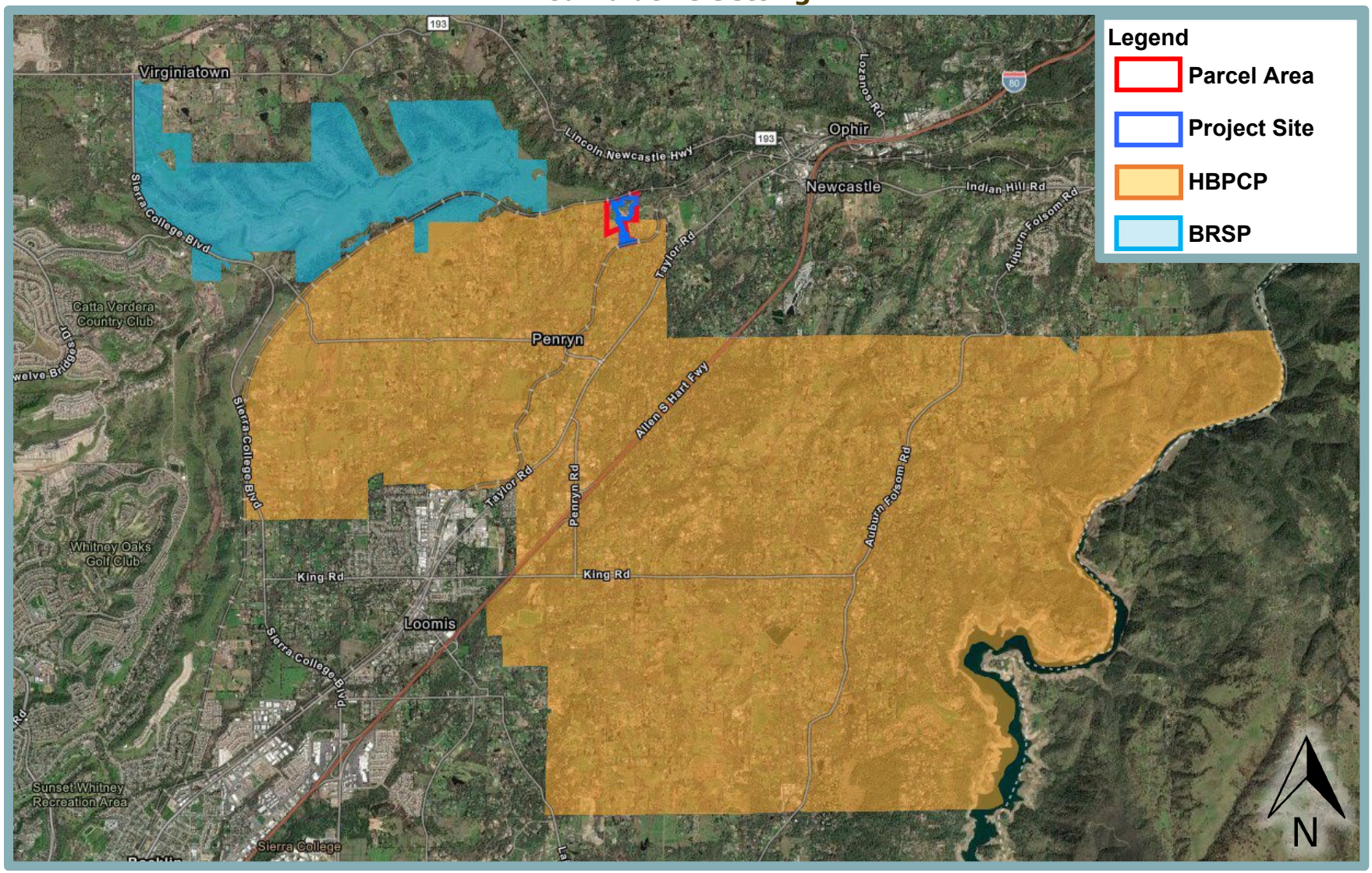
Cumulative Setting

The lead agency should define the relevant geographic area of inquiry for each impact category (id., Section 15130, subd. [b][3]), and should then identify the universe of "past, present, and probable future projects producing related or cumulative impacts" relevant to the various categories, either through the preparation of a "list" of such projects or through the use of "a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact" (id., subd. [b][1]).

As discussed above, two approaches exist for identifying cumulative projects and their associated impacts. The "list" approach identifies individual projects known to be occurring or proposed in the surrounding area in order to identify potential cumulative impacts. The "projection" approach uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts. This EIR uses the projection approach for the cumulative analysis, which is based upon a summary of projections contained in the Horseshoe Bar/Penryn Community Plan (HBPCP) and Bickford Ranch Specific Plan (BRSP). In general, the reasons for using these two County adopted plans as the cumulative setting are: 1) the project site is partially within the HBPCP wherein the majority of planned land uses surrounding the site are located; and 2) the BRSP is currently under construction (Phase 1) and located northwest of the project site (see Figure 20-1). While much of the traffic and related activity from the BRSP and the proposed project may not combine to produce cumulative effects, given the various routes of access to the two areas, some overlap would be expected to occur.

The HBPCP includes an area of approximately 25 square miles located generally west and south of the project site. The HBPCP sets forth goals, policies, assumptions, guidelines, and implementation measures to guide the development of the HBPCP area. The HBPCP establishes regulations for residential, industrial, commercial, and open space development within the HBPCP area.

Figure 20-1
Cumulative Setting



At buildout, the HBPCP would generally consist of 5,028 residential units, 166 acres of Penryn Parkway uses, 26 acres of industrial uses, 38 acres of commercial uses, 635 acres of riparian drainage, and 494 acres of open space.

The BRSP is a County-approved master planned community anticipated for implementation over three phases on 1,942.5 acres located northwest of the project site. At buildout, the BRSP would generally consist of 1,890 new residential units, more than 1,100 acres of open space and recreation, and new public facilities, including a fire station and school site for a potential future school. As such, the County-approved BRSP would result in changes to the existing land use environment through conversion of vacant land to developed uses.

Limited situations exist where the geographic setting differs for certain CEQA topics. Examples include air quality, for which the cumulative geographic setting is the Sacramento Valley Air Basin (SVAB). Global climate change is, by nature, a cumulative impact. Emissions of GHG contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). A single project could not generate enough GHG emissions to contribute noticeably to a change in the global average temperature. However, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the world-wide phenomenon of global climate change and the associated environmental impacts. Although the geographical context for global climate change is the Earth, for analysis purposes under CEQA, and due to the regulatory context pertaining to GHG emissions and global climate change applicable to the proposed project, the geographical context for global climate change in this EIR is limited to the State of California.

In addition, as discussed in Chapter 12, Hydrology and Water Quality, of this EIR, the cumulative analysis is defined by watershed boundaries. The project site is located within the Antelope Creek zone of the larger Dry Creek watershed. Overall, the total watershed area being analyzed within this EIR includes seven drainage sheds which encompass a total of 67.43 acres.

20.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Per CEQA Guidelines Section 15126.2(c), this EIR is required to include consideration of significant irreversible environmental changes that would be caused by the proposed project, should the project be implemented. An impact would be determined to be a significant and irreversible change in the environment if:

- Buildout of the project area could involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of development could generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- Development of the proposed project could involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing and eventual development of the project could result in an unjustified consumption of resources (e.g., the wasteful use of energy).

The proposed project would likely result in, or contribute to, the following significant irreversible environmental changes:

- Irreversible consumption of construction materials, such as lumber, associated with the proposed project;
- Irreversible consumption of goods and services, such as fire and police services, associated with project buildout; and
- Irreversible consumption of energy and natural resources, such as water, electricity, and propane, associated with project buildout.

20.5 SIGNIFICANT AND UNAVOIDABLE IMPACTS

According to CEQA Guidelines, an EIR must include a description of those impacts identified as significant and unavoidable should the proposed action be implemented (CEQA Guidelines §15126.2[b]). Such impacts would be considered unavoidable when the determination is made that either mitigation is not feasible or only partial mitigation is feasible such that the impact is not reduced to a level that is less-than-significant. This section identifies significant impacts that could not be eliminated or reduced to a less-than-significant level by mitigations imposed by the County. The final determination of the significance of impacts and the feasibility of mitigation measures would be made by the County as part of the County's certification action. The significant and unavoidable impacts of the proposed project are summarized below.

In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality. (Impact 4-2)

The project site is undeveloped and consists primarily of agricultural-related uses, including dirt roadways and graded surfaces, as well as oak woodland and grassland habitats. Implementation of the proposed winery would change existing public viewsheds of the site from predominantly undeveloped, rural landscapes to a winery with new structures on a hillside.

General Plan Policy 1.O.3(a) requires new development structures outside of village, urban, and commercial centers to be designed and located such that they do not silhouette against the sky above ridgelines or hilltops. As discussed above, the current maximum allowable building height for the project site is 36 feet. The proposed octagon building would be constructed at a height of 75 feet from the finished grade, which would exceed the current allowable building height by 39 feet. However, the proposed project would include a Zoning Text Amendment (ZTA) to allow a structure for a winery, tasting room, or accessory use-restaurant to exceed the prescribed height limit for the applicable zone, if the additional height is authorized through a Conditional Use Permit (CUP) process that includes an analysis of visual impacts, including photo simulations. Nonetheless, as shown in Chapter 4 (Figures 4-7 and 4-8), the new 75-foot-tall octagon building would extend above the existing tree canopy on the hillside and would silhouette against the sky. Thus, the project would be inconsistent with Policy 1.O.3(a).

Therefore, the proposed project would be considered to substantially degrade the existing visual character or quality of public views of the site and its surroundings, even after the incorporation of Mitigation Measure 4-2, which would require the submittal of a Final Landscape Plan in conjunction with the submittal of improvement plans for review and approval by the County. Implementation of Mitigation Measure 4-2 would help to further screen public views of the project site, but would not sufficiently reduce to impact to a less-than-significant level, as development of the proposed project would still substantially degrade the existing visual character or quality of

public views of the site and its surroundings. Therefore, even with implementation of Mitigation Measure 4-2, a significant and unavoidable impact would occur.

Long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of Placer County. (Impact 4-4)

Future development within the County would result in changes to the existing land use environment through conversion of currently vacant land to developed uses that would result in changes in visual character. The southern portion of the project site is located within the approximately 16,620-acre HBPCP area, which encompasses the majority of the surrounding area to the south and west of the project site. In addition, the approximately 1,928-acre BRSP area is located northwest of the project site. Development of planned land uses within the HBPCP and BRSP areas, as well as the project site, would change the existing visual character of those specific locations from vacant or minimally developed land to more intensively developed areas, or in the case of the proposed project, a winery.

Cumulative buildout in the geographic area would result in a substantial change in visual character of the project region and, thus, a significant cumulative impact would occur. Given that the project site is predominantly undeveloped and affords public views from Callison Road and the commuter rail line of rural landscape, comprised of rolling grassland and blue oak woodlands, the existing visual character of the project site would be significantly altered. Therefore, the project's incremental contribution to the significant impact would be cumulatively considerable, and a significant and unavoidable impact would occur.

Result in VMT which exceeds an applicable threshold of significance, except as provided in CEQA Guidelines Section 15064.3, subdivision (b). (Impact 16-5)

Implementation of the proposed project would result in a significant impact related to the generation of vehicle miles traveled (VMT) in excess of the Placer County VMT thresholds. In accordance with the Placer County VMT thresholds, Commercial Retail projects result in a significant VMT impact if they would result in a net increase in total VMT. Because the proposed project would increase total regional VMT by 0.026 percent, the impact would exceed the applicable threshold of significance and a significant impact could occur. Under County guidelines, if a project would result in a significant VMT impact, the project must implement mitigation measures that would reduce the project's VMT to the maximum extent feasible. Mitigation Measures 16-5(a) through 16-5(c) require that, during project operation, the project applicant shall submit to employees and guests information regarding the availability of Placer Transit service in the project vicinity, provide an employee carpool matchings service, and provide an on-site location for guest bus parking within the dedicated parking area.

While the proposed project would implement the mitigation measures listed above, which could reduce project-generated VMT, the extent to which the measures would be used and the effectiveness of the measures in reducing project-generated VMT is uncertain. Because Placer County cannot ensure the proposed project would result in zero net increase in total regional VMT, even with incorporation of mitigation, the impact would remain significant and unavoidable.